IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8546 OF 2006.

Vishwas Sakharam Desai. ... Petitioner.
Versus.
Dandu Aappa Hanumanta & others. ... Respondents.

Shri Sandesh Patil for the Petitioner.

Ms.Jyoti Ghag i/by M/s.Thakur Jariwala & Associates for the Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 8th February, 2007.

P.C.:

1. By the impugned order dated 8th December 2006, the learned trial Judge has passed an order of return of plaint by invoking the provisions of Rule 10 of Order VII of the Code of Civil Procedure, 1908. Hence the said order is an appealable order under clause (a) of Rule 1 of Order LXIII of the said Code. As a remedy under the said Code is available to the Petitioner, this petition under Article 227 of the Constitution of India is not entertained and the same is rejected. It will be open for the Petitioner to adopt appropriate remedy for challenging the order in accordance with the law.

2. On a prayer made by the learned Advocate for the Petitioner, the ad-interim order passed by this Court on 22nd December 2006 will continue to operate for a period of six weeks from today to enable the Petitioner to take appropriate proceedings.

Judge.